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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,107	08/06/2003	Glen Gutgold	18033 (AT 20958-2109)	6970
7590	06/24/2004			
Robert Kapalka Tyco Electronics Corporation Suite 140 4550 New Linden Hill Road Wilmington, DE 19808			EXAMINER FIGUEROA, FELIX O	
			ART UNIT 2833	PAPER NUMBER
DATE MAILED: 06/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/635,107

Applicant(s)

GUTGOLD ET AL.

Examiner

Felix O. Figueroa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Parent (US 6,217,360).

Parent discloses a cable connector comprising: a mating connector face (at 18), and first and second lateral sides (22,24) extending from the mating connector face; one of the first and second sides comprising a bail latch retainer (68); and a jack screw latch (26) located adjacent the other of the first and second side.

Please note that the recitation that an element is "configured to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. Furthermore, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding claim 2, Parent discloses a cable exit extending from one of the first and second sides (24).

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Regarding claim 4, Parent discloses the bail latch retainer comprising a bail latch slot (between 86,88) having inward facing barbs (inside edges of 86,88) defining a slot therebetween.

Regarding claim 5, Parent discloses a cable exit extending from the first side (24), and the bail latch retainer comprising a hook (see Fig.6) located on the first side.

Regarding claim 8, Parent discloses a cable connector comprising; a mating connector face (at 18), first and second lateral sides (22,24) extending from the mating connector face, and a cable exit (at 14) extending from one of the first and second sides; the first side comprising a bail latch retainer (68) extending substantially perpendicular to the first side and defining a slot substantially parallel to the connection face (see figure in the response to arguments); and a jack screw latch (26) located adjacent the second side.

Please note that the recitation that an element is "configured for" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense.

Furthermore, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding claim 11, Parent discloses the retainer comprising a slot having a neck portion (84) and a head portion (74).

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 7, 9, 10, 12, and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parent in view of Defibaugh et al. (US 4,842,547).

Regarding claim 14, Parent discloses a cable connector comprising: a housing defining a mating connector face (at 18) extending opposite a sloped top surface (please note that the surface opposite the mating face is considered a sloped top surface), first and second lateral sides (22,24) extending from the mating connector face, and a cable exit (at 14) extending from one of the first and second sides in a direction parallel to the top surface; the first side comprising a bail latch retainer (68); and a jack screw latch (26) located adjacent the second side and extending above the sloped surface. Please note that the recitation that an element is "for" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. Furthermore, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

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Parent discloses substantially the claimed invention except for the oblique angle between the mating face and the cable exit. Defibaugh teaches a cable connector having a cable exit and a top surface extending at an oblique angle to the mating connector face to provide an ergonomic connector and minimize the space use by the connector. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the connector of Parent having the cable exit and the top surface extending at an oblique angle to the mating connector face, as taught by Defibaugh, to provide an ergonomic connector and minimize the space used by the connector.

Regarding claims 6 and 12, please note that the location of the jack screw is considered part of the top surface.

Regarding claims 7, 13 and 18, Parent discloses substantially the claimed invention except for the two-piece construction of the connector. Defibaugh teaches a connector defined by first and second back-shells joined to one another to reduce the manufacturing cost and simplify the production of the connector. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the connector of Parent defined by two back-shells joined to one another, as taught by Defibaugh, to reduce the manufacturing cost and simplify the production of the connector.

Regarding claims 10 and 16, Parent, as modified by Defibaugh, discloses the claimed invention except for the specific angle for the cable exit. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to set the angle to 15°, since it has been held that

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discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parent.

Parent discloses substantially the claimed invention except for shape of the cable exit. However, it would have been an obvious matter of design preference to form the cable exit having an oval shape, since it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the cable exit having a particular shape in order to accommodate a cable with a particular cross-section.

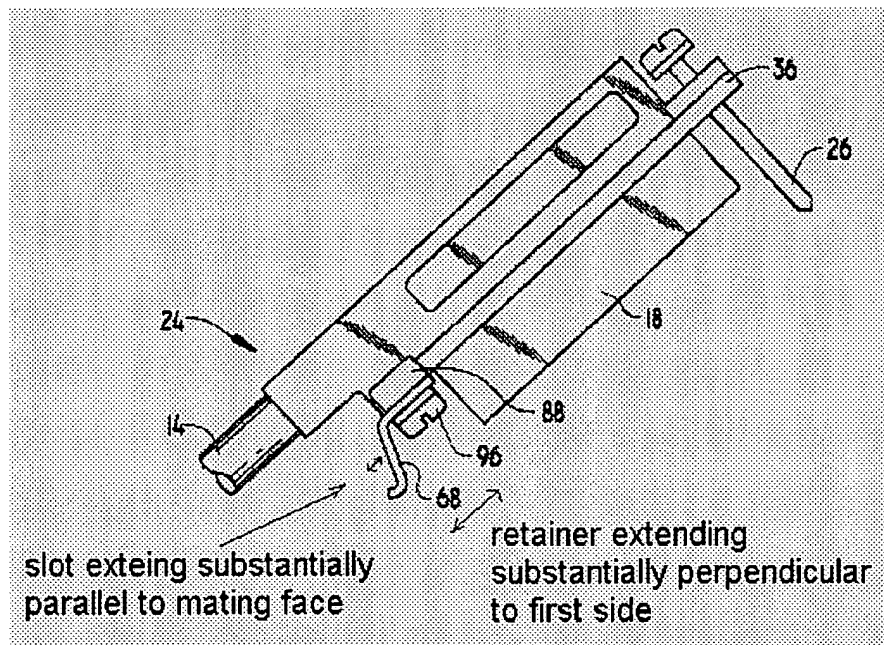
### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Please note that the recitation that an element is "configured to", "configure for" or "for" perform / performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. Furthermore, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). In this case, the bail latch retainer of Parent can receive an appropriate pivotally mounted bail latch.

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Specifically on claim 8, please note that the first side comprised a bail latch retainer (68) extending substantially perpendicular to the first side and defining a slot substantially parallel to the connection face, as shown in the following figure.



### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory



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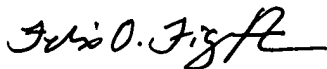
period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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